

# Scottish Social Attitudes Survey 2004 Family Module Report

Legal Studies



# **SCOTTISH SOCIAL ATTITUDES SURVEY 2004 FAMILY MODULE REPORT**

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## **EXECUTIVE SUMMARY**

The Legal Studies Research Team of the Scottish Executive and the Nuffield Foundation jointly commissioned the Scottish Centre for Social Research and the Centre for Research on Families and Relationships to include a module on family issues in the Scottish Social Attitudes Survey 2004 in order to canvass public views and knowledge on a range of family matters including knowledge of the law about and attitudes to wider kin relationships. Here we summarise the key findings from that module.

## **DEMOGRAPHIC AND POLICY CONTEXT**

Wide-ranging demographic changes in family life, such as in partnership formation and parenthood, create new issues and challenges for public policy, such as ensuring that new policy and law is built on a firm base of evidence and that there is a good fit between family law and related public attitudes and knowledge. This study addresses many of the issues raised in the 1999 Scottish White Paper, *Parents and Children* and now contained in the Family Law (Scotland) Bill 2005. These include parental responsibilities of unmarried fathers, step-parents' and parental responsibilities, and financial provision on relationship breakdown of cohabitating couples.

## **ABOUT THE STUDY AND THE SCOTTISH SOCIAL ATTITUDES SURVEY**

The aim of the module is to produce evidence of the public's understanding of and attitudes towards the moral and legal responsibilities and rights that exist between partners and across generations in the light of the radical and rapid social change in family relationships in recent decades. It is based on interviews with a representative sample of the adult Scottish population in 2004, just before the introduction of the Family Law (Scotland) Bill 2005. It seeks to address three key questions:

- How far is current family law out of line with existing social norms?
- How far do reforms to current law improve the fit between the law and social norms?
- How accurate is the public's understanding of family law?

The questions focused on aspects of knowledge and attitudes towards unmarried fathers, unmarried cohabiting couples, both opposite and same-sex, step-parents (and married couples, for comparison), grandparents and sexual relationships in various circumstances. Respondents were also asked within this module about some of their own familial circumstances and histories that are not routinely covered in the core questions of the survey. A 'scenarios' approach was adopted in order to ground questions in a small number of familiar cases that exemplify important wider issues and to understand how those views vary across the population. We summarise and analyse, in relation to each of the areas identified above, the responses to these questions for the Scottish population as a whole, and then compare how responses vary across the population by major social divisions such as age, gender, social class, educational qualifications, housing tenure and marital status/history. We also compare how attitudes vary according to respondents' knowledge of law.

## **MARRIAGE AND COHABITATION**

Cohabitation in Scotland and the UK has become commonplace, with a pattern typical of western post-industrial societies. Cohabiting couples either marry or split up within a



relatively short time, but even though cohabitation as an unmarried union is typically short-lived, more people are cohabiting at some stage in their lives. Cohabitation is increasingly recognised in law. There is also evidence of confusion among the public generally about the status of cohabiting couples and unmarried fathers in Scotland, and in particular, about the extent of legal provision in the event of relationship breakdown or the death of a partner. The provisions relating to cohabitation in the Family Law (Scotland) Bill, have ‘the intention . . . to create legal safeguards for the protection of cohabitants in longstanding and enduring relationships, not to cater for short term cohabitation.’ The family module sought to obtain information about public knowledge of the present law, prior to the introduction of the important law reform outlined above, and attitudes towards cohabitation, in comparison to marriage. It presented several scenarios involving couples, as illustrated in the box below.

*Married couple scenario*

A married couple have been together for 10 years and have no children, but one of them has a much higher income than the other. They then split up. In these circumstances, should the partner with the lower income be able to claim financial support from the other partner? And do you think the law *does* give someone the right to claim financial support in such circumstances?

*Unmarried couple scenarios*

An unmarried couple have been living together for ten years. The man dies. He worked for a company whose occupational pension pays a pension to the surviving spouse in the event of death. Should the surviving partner be entitled to receive a pension on the same basis?

For the same couple. They live in a house bought in the man's name and when he dies he leaves the property to his partner in his will. Should the surviving partner be exempt from having to pay inheritance tax on the property in the same way as a married person would be?

Again, the same couple who have been together for 10 years. They have no children. One of them has a much higher income than the other. They then split up. Do you think the partner with the lower income *should* or *should not* be able to claim financial support from the other partner? And do you think the law *does* give someone the right to claim financial support in such circumstances?

Imagine another unmarried couple without children who have been living together for ten years and live in a house bought in the man's name. Say he dies without making a will. Do you think the woman should or should not have the same rights to keep the home as she would if she had been married to him? And do you think she *does* in fact have the *same* rights as a married woman to remain in this home, or, does she have *fewer* rights?

Now imagine another unmarried couple who have been living together for ten years. They have a child who needs medical treatment. Do you think the father should or should **not** have the same rights to make decisions about his child's medical treatment as he would if he was married to the child's mother? And do you think he *does* in fact have the *same* rights as a married man to make decisions about this medical treatment, or, does he have *fewer* rights?

The public's views about what the economic obligations between separating *married* partners ought to be are divided about equally between those who think an economically disadvantaged spouse without children should or should not be able to make claims against the other if a long-standing relationship breaks down: 50% of respondents think the

economically weaker partner should be able to claim, and 47% do not. There is widespread misunderstanding of the actual legal position in which the Family Law (Scotland) Act 1985 gives former spouses a right to claim support: 61% think spouses have such a right (although only 17% were firm in their understanding), and 39% either didn't know or erroneously thought not.

When asked the same question for unmarried couples, 40% thought there should be a support obligation, and 57% thought not. Thus there is weaker, but only slightly weaker, endorsement of a support obligation between long standing cohabiting couples who separate, even if children are not present. Just over two thirds of respondents knew that cohabitees have fewer such rights. When asked about whether rights to pensions and inheritance tax concessions that apply to married partners when one spouse dies should also apply to cohabitees in similar circumstances, respondents reported strong support for greater parity of treatment. There is growing awareness that the cohabitee's position in law is weaker than that of the married partner.

There is strong support for unmarried fathers having the same parental rights as married fathers. When asked about an unmarried father deciding on medical treatment for his child, 97% thought unmarried fathers should have the same rights as married fathers, slightly higher than in 2000 when the same question was asked. There is increasing awareness that unmarried fathers, at present, do not have such a right.

We compared how views vary within the population according to major social divisions such as age, gender, social class and educational level. In relation to attitudes about whether, in a childless relationship that has broken down, an economically weaker partner should be able to claim financial support from the other partner, we found wide age-related differences and slight differences according to educational level and gender. Respondents aged 40 or above are, on the whole, substantially more likely than those under 40 to think that such claims should be possible, for married, cohabiting and female (but not male) same sex couples. In the younger age group, only a minority think that such a partner should have a continuing claim for support from the other partner, irrespective of the status of the partnership. However, for older respondents, there is a small majority who favour married partners being able to make such a claim, with declining levels of support for cohabitees and same sex partners being able to do so. There were no significant differences in relation to social class, housing tenure or marital status.

In relation to attitudes towards a relationship that ends by the death of a partner, those with some educational qualifications are more likely than those with none to favour parity of treatment between married couples, cohabitees and same sex partners in relation to staying in the shared home, being exempt from inheritance tax and eligibility for a deceased partner's occupational pension. Similarly, women are more likely than men to support parity of treatment across different types of adult partnerships. No significant differences appeared in relation to social class, marital status or housing tenure.

## **SAME SEX COUPLES**

There is growing visibility of same sex partnerships. There is also growing recognition in law of same sex partnerships in many jurisdictions. In the UK the Civil Partnership Act 2004 will provide a new status as registered partners to partners of the same sex who cannot legally marry. The Family Law (Scotland) Bill 2005 has similar provision for same sex partners who

have not entered into registered partnerships to its provisions for unmarried, opposite sex cohabitantes. The module sought to produce evidence of the extent to which Scottish public opinion sees same sex partnerships in similar terms to mixed sex partnerships using the same scenarios, adapted to same sex couples, as above. Half of respondents were asked about hypothetical scenarios involving male same sex couples, and half involving female same sex couples.

Most, 60%, of respondents did not think there should be a support obligation following the breakdown of a same sex couple relationship, with little difference if the couple are male or female, compared with 47% who did not think there should be one for childless married couples, and 57% for cohabiting couples. Thus, there is a surprising level of similarity in views that there should not be a support obligation after separation for all types of childless couples, albeit with higher levels for those not actually married, whether same or opposite sex. Where a same sex relationship ends by death, public attitudes towards inheritance and pensions issues favour parity of treatment with married couples, greater than allowed by current arrangements. Three quarters of respondents thought that a partner should be allowed to keep the home in the same way as a married couple, although the majority (about 70%) were aware that same sex couples have no such right. A majority (about two thirds) also thought that a surviving same sex partner should be similarly exempt from payment of inheritance tax on the couple's home and should be similarly entitled to their partner's occupational pension. However, on both issues, a lower proportion of respondents favoured parity of treatment for same sex couples as for mixed sex cohabitantes. The differences of opinion towards male and female same sex couples were slight.

While there is strong support for greater parity of treatment for same sex couples on partnership issues, a more complex pattern emerged in relation to parenthood. Respondents were asked if a same sex couple in a stable partnership should be allowed to adopt in the same way as a married couple. Overall, most respondents thought they should not be able to do so, but with a clear gender difference: opinion was strongly against male same sex couples being able to adopt on this basis, but equally divided for lesbian couples. This suggests that while there may be a high level of support for more egalitarian treatment of same sex and mixed sex couples around partnership issues, this support does not seem to apply to the same extent to parenthood issues, where responses were sensitive to the gender of the same sex couple. However, those with some educational qualifications, women and younger people are more likely than those with no educational qualifications, men and older people to favour parity of treatment in relation to adoption between same sex and married couples. No significant differences appeared in relation to social class.

## **STEP PARENTS**

Step-parenthood has become increasingly common as a consequence of higher levels of separation, divorce and second partnership formation. Step-parents often become involved in parenting of co-resident children for whom they are not the biological parent. However, at present step-parents have no legal rights, as defined in the Children (Scotland) Act 1995. The module aimed to shed some light about what the public considers the moral obligations of step parents in intact step-families and when a the relationship between a parent and step-parent breaks down.

When asked about whether a step-parent's income should be taken into account for both the purpose of assessing child support levels for the child's father, and for assessing entitlement

to a means-tested student grant, most respondents thought that the step-father's income should be taken into account for both purposes. Despite some confusion about step-parents' actual obligations, their replies suggest a high level of support for the notion that step-parents *should* assume some financial responsibility for the step-children with whom they live. However, a majority thought that this obligation should not continue to a longer term support obligation of a step-child if the step-parents split up. In contrast, over three quarters of respondents thought that a step-father should have the same rights to contact as a natural father. Thus, the data form a mixed picture about what public opinion is about the obligations a step-parent should assume, particularly where the relationship between a step-father and a child's mother has broken down.

## **GRANDPARENTS**

It is widely recognised that grandparents play an important part in the lives of their grandchildren, and that when a child's parents split up, it is generally valuable to children to be able to maintain contact with their wider family, including grandparents, particularly when contact is voluntarily negotiated and takes children's views and interests into account. The family module produced information on public opinions about what grandparents responsibilities and rights should be and public knowledge about what they are, based on several scenarios raising different issues about contact and care when a parental relationship breaks down.

There is a widespread public view that supports giving paternal grandparents the same rights of contact with a child as a father. There was not an opportunity to explore with respondents the considerable complexities that surround this issue, such as where parents and grandparents disagree about what is in a child's best interest as far as contact is concerned. However most respondents correctly recognised that paternal grandparents do not have a right of contact. Although grandparents do not have parental responsibilities, whether they should have them in certain limited circumstances, was an issue raised. There is a widely held view that grandparents should also have a responsibility to provide a home for a young child if its parents are unable to do so and if they are able. There were no significant differences in public opinion in relation to respondents' age, gender, social class, housing tenure, marital status and educational level.

## **ATTITUDES TOWARDS SEXUAL RELATIONSHIPS IN VARIOUS CIRCUMSTANCES**

Many of the recent and fundamental demographic changes in family life, such as less and later marriage, more remarriage and lone parenthood, lower and later fertility, the growth in unmarried cohabitation, high levels of divorce and relationship breakdown, and the increasing prevalence of parenthood outside marriage, have taken place in parallel to substantial changes in individuals' sexual behaviour and attitudes. To set the earlier findings in context, we asked questions about public attitudes towards sexual relationships in a range of contexts outside marriage and towards the place of marriage in people's lives. Some of the same questions were asked in a family issues module in the Scottish Social Attitudes Survey 2000.

Public attitudes towards sexual relationships outside marriage vary according to the context of the relationship. Sexual relations before marriage are considered to be either rarely wrong or not wrong at all by a large majority. However underage sex is thought to be mostly or always

wrong by a large majority. A large majority also consider extramarital sexual relations are mostly or always wrong, about the same proportion as in 2000.

There is increasing acceptance of homosexual sexual relations, which are thought to be rarely wrong or not wrong at all by 42% of respondents, a higher proportion than the 37% who thought so in 2000. It is perhaps not surprising that 39% of respondents thought that gay or lesbian couples should be able to marry if they wish.

A narrow majority, smaller than in 2000 believe, erroneously, that ‘common law marriage’ exists in Scotland, that is, the belief that after a period of time, cohabiting partners acquire the same rights as married couples. The institution of marriage continues to command support on a number of indicators, and is seen as preferable to some other forms of partnership, although there is also evidence of growing neutrality and tolerance for other partnership forms. As far as whether parenthood is best within the setting of marriage, a changing picture emerges. There is support, though declining, for marriage as a preferred setting for having children. A declining minority of the population agreed with the claim that married couples make better parents than unmarried ones.

Thus, a picture of changing sexual mores emerges, with higher levels of approval for some sexual relationships outside marriage, but disapproval of others: a high degree of tolerance or approval for sex before marriage, except for underage sex, and same sex sexual relationships, but a low level of tolerance or approval for extramarital sexual relations.

## **CHAPTER ONE INTRODUCTION**

1.1 The Legal Studies Research Team of the Scottish Executive and the Nuffield Foundation jointly commissioned the Scottish Centre for Social Research and the Centre for Research on Families and Relationships to include a module on family issues in the Scottish Social Attitudes Survey 2004 in order to canvass public views and knowledge on a range of family matters including knowledge of the law about and attitudes to wider kin relationships. Here we report on the key findings from that module.

1.2 The Scottish Executive and the Nuffield Foundation have both been aware that the wide-ranging demographic changes in family life, such as in partnership formation and parenthood, create new issues and challenges for public policy. There is also a commitment within Government to ensure new policy and law is built on a firm base of evidence. One component of that body of evidence is a good understanding of both public knowledge and public opinion on personal, often controversial, matters. While evidence about public attitudes to responsibilities of wider kin relationships and public understanding of family law is only one input to policy formation in family law, it is an important one if social and family policies are to go with the grain of public opinion.

### **BACKGROUND TO THE FAMILY MODULE**

1.3 The module seeks to produce evidence of the public's understanding of and attitudes towards the moral and legal responsibilities and rights that exist between partners and across generations in the light of the radical and rapid social change in family relationships in recent decades. It is based on interviews with a representative sample of the adult Scottish population that took place just before Scottish family law was about to undergo significant reform, in order to bring it more into line with current patterns of family formation and behaviour. The findings from the module will help policy makers ascertain the extent to which family law reform is likely to produce a good fit between family law on the one hand and related public attitudes and knowledge on the other. They will also provide a baseline of evidence for any future assessment of public knowledge and attitudes following major family law reform.

1.4 One of the key functions of family law is to codify the responsibilities and rights of the various parties in the event of the death of a partner or the dissolution of an adult partnership. Hitherto much of this has been achieved through the law on marriage, once by far the most common form of adult partnership relationship. But now many heterosexual couples choose, initially at least, to cohabit even if they do eventually decide to get married. Meanwhile same sex cohabitation has become more visible. More importantly, whatever the form of a relationship, it is less likely to be for life. Marriages 'till death us do part' may not have disappeared but they are typically described in more conditional terms of mutual love and 'commitment' rather than obligation (Lewis, 2001). In any event, a high level of marital breakdown is outstripped by the rate of dissolution of non-marital unions. As a result there have been demands that the law needs to provide better protection in the event that forms of partnership, other than marriage, come to an end.

1.5 The most obvious impact of couple dissolution is on the partners themselves. One partner may be in need of financial support, while in the event of death the surviving partner will be affected by the law on inheritance. One important question that thus arises is whether the responsibilities and rights that married couples have when these eventualities occur should

also be extended to co-habitees and single sex relationships. But high rates of couple dissolution and reformation also affect intergenerational relationships. For example, step-parents and co-resident partners (including same sex partners) may become involved in parenting roles for co-resident children despite not being their biological parent. However, at present they have no legal rights in respect of these children. Further, we know little about how the public views the moral obligations of social parents in the event of couple dissolution. Meanwhile, there is also some evidence that single parents are more reliant on grandparents to help look after their children, and that indeed they can play an important role in fostering resilience amongst children who have experienced parental break up. Yet it is not clear what responsibilities and rights the public thinks that grandparents should have if a child does not live with both biological parents, whether those responsibilities and rights are viewed differently if the parents are not married, or whether they are thought to extend to a step-parenting arrangement.

1.6 There is therefore a need for a more systematic understanding of the public's knowledge of and attitudes to these questions. Some aspects have been tackled in previous work. Attitudes to cohabitation versus marriage, and views and knowledge of the legal responsibilities and rights of cohabiting couples have been previously analysed by the British Social Attitudes Survey (Barlow et al 2001) and the Scottish Social Attitudes Survey (Barlow, 2002). Similarly, attitudes to the role of grandparents, including experience of and the nature of contact between grandparents and grandchildren, together with views about the value of grandparents' contribution to bringing up children were examined in detail on the 1998 British Social Attitude survey (Dench et al, 1998). But this latter project did not examine views on the legal and moral responsibilities and rights of grandparents, while the former largely neglected the responsibilities and rights of same sex partners and step-parents. By bringing these subjects together this study provides the first systematic portrayal of the perceived responsibilities and rights of each key group and thus identify what distinctions, if any, the public draws between different kinds of partnership and intergenerational relationships as to the responsibilities and rights they should engender.

1.7 This study also comes at an opportune moment. The 1999 Scottish White Paper, *Parents and Children* was a comprehensive package of proposed change in family law that covered many of the issues in this study and its proposals are largely embodied in the Family Law (Scotland) Bill introduced in the Scottish Parliament in February 2005. *Inter alia*, the Bill, if enacted, will extend parental responsibilities to many unmarried fathers, allow some step-parents to acquire parental responsibilities, and extend to cohabitating couples some financial obligations and property rights that pertain when a marriage ends. In addition civil registration for same sex partnerships will become possible under the provisions of the Civil Partnership Act 2004. While there are currently no proposals to extend the rights of grandparents, voices such as the voluntary organization *Grandparents Apart* are lobbying for such change. By undertaking this study at this time we can inform public debate and assess how far the imminent family law reform is in line with what the public think that law both *should be* and *currently is*.

## **ABOUT THE STUDY**

1.8 Thus, the principal aim of the family law module was to develop a body of current evidence on public understandings and attitudes on key questions about the moral and legal norms that do and should apply to some of the wider range of family relationships that are becoming increasingly commonplace, and to address three key questions:

- How far is current family law out of line with existing social norms?
- How far do the reforms to current law improve the fit between the law and social norms?
- How accurate is the public's understanding of family law?

The questions focused on aspects of knowledge and attitudes towards

- Unmarried fathers
- Unmarried cohabiting couples, both opposite and same-sex
- Step-parents
- Grandparents
- Sexual relationships in various circumstances
- Married couples, as a basis for comparison

1.9 Respondents were also asked within this module about some of their own familial circumstances and histories that are not routinely covered in the core questions of the survey. The module is reproduced in Appendix 1.

1.10 The module consists of a total of 50 items. The Scottish Executive has funded 20 of the module items on cohabiting partnerships and on grandparenting, most of which have previously been asked on previous Scottish and/or British Social Attitudes surveys. The Nuffield Foundation has funded 30 new items on same sex partnerships, step-parents and grandparents. Both organizations have agreed that the report should integrate the two halves as a single report.

1.11 The questions asked relate to many of the issues addressed in the Family Law (Scotland) Bill, which was introduced in the Scottish Parliament on 7 February 2005. This Bill is the result of a long period of deliberation and policy development by the Scottish Law Commission and the Scottish Executive, a period which included a Green Paper, a White Paper and three stages of public consultation (Scottish Executive 2005). These findings will provide policy makers with a baseline of evidence of the Scottish public's knowledge and attitudes towards many of the issues addressed by the legislation.

1.12 A 'scenarios' approach was adopted in order to ground questions in a small number of familiar cases that exemplify important wider issues and to understand how those views vary across the population. This approach is well suited to get at public understandings and attitudes on key questions about the moral and legal norms that do and should apply to some of the wider range of family relationships that are becoming increasingly commonplace.

1.13 The scenarios chosen are presented in full in the figures at the beginning of the relevant chapters (see Appendix 1 for full the full module). These relate to

- Married and unmarried heterosexual couples
- Same sex couples (half of the respondents were asked about male couples and the other half about female couples)
- Step-parents
- Grandparents



Following these, respondents were asked about their attitudes towards sexual relationships generally and also about their family circumstances and biographies.

1.14 In this report we summarise and analyse, in relation to each of the areas identified above, the responses to these questions for the Scottish population as a whole, and then compare how responses vary across the population by major social divisions such as age, gender, social class, educational qualifications, household income, housing tenure and marital status/history. For the purpose of this analysis, we classified respondents into two or three categories for each of these key socio-demographic variables, as in Figure 1.1 below. Of course, some of these variables are inter-related, such as age and educational level, since younger people are more likely than older people to have educational qualifications.

**Figure 1.1. Classification of respondents by educational level, sex, age, social class, marital status, income quartile and housing tenure**

|                   |                     |                    |                   |
|-------------------|---------------------|--------------------|-------------------|
| Educational level | Some qualifications | No qualifications  |                   |
| Sex               | Male                | Female             |                   |
| Age               | 18-39               | 40 or more         |                   |
| Social class      | I/II                | III                | IV/V              |
| Marital status    | Married             | Previously married | Single/cohabiting |
| Housing tenure    | Owns                | Rents              |                   |
| Income            | Recoded into income | quartiles          |                   |

1.15 We compare how attitudes vary according to respondents' knowledge about the legal position. In the next chapter (2), we look at attitudes towards unmarried cohabitation, compared with attitudes towards marriage. In chapter 3 we look at attitudes and knowledge about same sex couples. Chapter 4 focuses on step-parents and chapter 5 on grandparents. Chapter 6 presents findings on attitudes towards sexual relationships generally. Chapter 7 is the concluding chapter.

1.16 Where possible, we have sought to draw comparisons between these results and earlier data produced in the British Social Attitudes Survey and the Scottish Social Attitudes Survey modules on family law issues in relation to marriage and cohabitation mentioned above.

## THE SCOTTISH SOCIAL ATTITUDES SURVEY

1.17 The *Scottish Social Attitudes* survey has been conducted annually by the Scottish Centre for Social Research since 1999 (SCSR; formerly known as the National Centre for Social Research Scotland and a full part of the National Centre for Social Research who conduct the British Social Attitudes Survey). It is designed to provide high quality data on Scottish public opinion in order to facilitate the academic study of public attitudes and to inform the development and evaluation of public policy. The survey is funded on a 'modular' basis, with up to five different funders in any one year. The topics of the other non-core modules in the 2004 survey were young people and crime, environmental justice, and drinking and smoking. Funding is most commonly obtained from the Scottish Executive, the ESRC and other grant awarding bodies.

1.18 The data in this report are taken from a module of questions asked in the 2004 Scottish Social Attitudes survey. This survey involved a face-to-face interview with respondents and a self-completion questionnaire, completed by around seven in ten of these people. The survey

was designed to yield a representative sample of adults aged 18 or over living in Scotland. The sample frame was the Postcode Address File (PAF), a list of postal delivery points compiled by the Post Office. A total of 1637 adults were interviewed, with a response rate of 61%, as outlined in Table 1.1.

**Table 1.1 Scottish Social Attitudes Survey 2004 Response analysis**

|  | No.   | %     |
|--|-------|-------|
| Addresses issued <sup>1</sup>                        | 3,007 |       |
| Vacant, derelict and other out of scope <sup>2</sup> | 308   | 10.2  |
| In scope   | 2,699 | 100.0 |
| Interview achieved                                   | 1,637 | 60.7  |
| Self-completion returned                             | 1,514 | 56.1  |
| Interview not achieved                               | 1,062 | 39.3  |
| Refused <sup>3</sup>                                 | 698   | 25.9  |
| Non-contacted <sup>4</sup>                           | 130   | 4.8   |
| Unknown eligibility <sup>5</sup>                     | 100   | 3.7   |
| Other non-response                                   | 134   | 5.0   |

1.19 Data were weighted to take account of the fact that not all households or individuals had the same probability of selection for the survey. For example, adults living in large households have a lower selection probability than adults who live alone. Weighting was also used to correct the over-sampling of rural addresses. All the percentages presented in this report are based on weighted data, the unweighted sample sizes are shown in the tables.

1.20 Fieldwork ran between July and December 2004 (with 80% completed by the end of August). An advance letter was sent to all addresses and was followed up by a personal visit from a Scottish Centre for Social Research interviewer. All interviewers attended a one day briefing conference prior to starting work. Interviews were conducted using face-to-face computer-assisted interviewing (a process which involves the use of a laptop computer, with questions appearing on screen and interviewers directly entering respondents' answers into the computer). All respondents were asked to fill in a self-completion questionnaire which was either collected by the interviewer or returned by post.



## CHAPTER TWO MARRIAGE AND COHABITATION

2.1 Cohabitation in Scotland and the UK has become commonplace, with a pattern typical of western post-industrial societies. Among UK women under 50 years, the proportion experiencing cohabitation at some time in their lives more than trebled between 1976 and 1998, from 9% to 29% (Morrison et al 2004). Cohabiting couples either marry or split up within a relatively short time, with a median duration of two to three years. However, even though cohabitation as an unmarried union is typically short-lived, increasing numbers of people are cohabiting at some stage in their lives, with relatively higher levels of cohabitation among younger people. The number of households with cohabiting couples and children is increasing; in 2001, 38% of cohabiting couples lived with dependent children, either of their own relationship or from a previous relationship and 10% of children in Scotland live in a household with a cohabiting couple (Scottish Executive 2005, para 55).

2.2 Cohabitation is increasingly recognised in various legal contexts and the law relating to cohabitation is gradually accumulating, for example, in respect of parent and child, domestic violence and occupancy of the family home. There is also evidence of confusion by the public generally over specific aspects of the status of cohabiting couples and unmarried fathers in Scotland, and in particular, about the extent of legal provision in the event of relationship breakdown or the death of a partner.

2.3 The reform of family law regulating the end of adult intimate partnerships either by death or separation is rapidly developing, with a policy direction that begins to unfold in 1992 with the Scottish Law Commission consultation document, *Reform of Family Law 135*. It recommended that no reform of the law on cohabitation should ‘undermine marriage nor undermine the freedom of those who deliberately opted out of marriage [but to] remedy situations [that are] harsh and unfair (1999; para 4.31). Consequently, it recommended that within one year of the termination of a cohabitation, either party could apply to the court for financial provision as under section 9(1)(b) of the Family Law (Scotland) Act 1985 to take account of economic advantage derived by one party from contributions by the other, or to compensate for economic disadvantage. It further provisionally suggested, along the lines of the Family Law (Scotland) Act 1985, that the courts should have the power to award a capital sum, including a deferred capital sum or payment by installments.

2.4 Public consultation followed and opinion was divided in the responses, with a narrow majority in favour of having some limited form of such compensation. After a lull of several years, in 1999, the Scottish Office/Scottish Executive published a family law Green Paper, *Improving Scottish Family Law*, which opted for limited reform solely to provide a small range of legal remedies for ‘harsh and unfair’ circumstances, and to remove some anomalies, as recommended by the Scottish Law Commission in 1992. This included discretionary provision for financial provision on the termination of a cohabitation by separation or death, but explicitly rejecting any general support obligation between cohabitees, including any automatic rights of succession. A further period of consultation followed, and the consultation responses that expressed a view on financial provision supported the proposals. The next part of the story is the Scottish Executive White Paper, *Parents and Children* (2000), which kept to the original policy direction of discretionary financial provision on the termination of a cohabitation, either by separation or death. The stated objective of this policy is “to overcome the difficulties being faced by unmarried couples and also to ease the position for children born of unmarried parents. Where a partner is left alone to care for children, whether as a

result of separation or bereavement, the law should recognise the economic dependence that the lone parent may have had on the other partner.”

2.5 The proposal in the White Paper was that:

*“A cohabitant whose relationship has terminated will be able to apply to a court for financial provision from the ex-partner where there has been economic disadvantage. Provision will be made for cohabitants whose partners have died to claim a share out of their partner's estate”* (Scottish Executive 2000; chapter 7).

2.6 A further stage of consultation followed and legislation to implement the White Paper was introduced in February 2005 as the Family Law (Scotland) Bill, and at the time of writing it is in its Committee stage. In relation to its provisions on cohabitation, it has ‘the policy objective to introduce greater certainty, fairness and clarity into the law by establishing a firm statutory foundation for disentangling the shared life of cohabitants when their relationship ends.’ (Scottish Executive 2005, para 64.) It goes on in para 67 to state: ‘the intention is to create legal safeguards for the protection of cohabitants in longstanding and enduring relationships, not to cater for short term cohabitation.’

2.7 Thus it appears that in these reforms the law on cohabitation is moving in the direction of limited regulation based on the need to provide protection for an economically vulnerable partner, but that nonetheless falls short of the status of marriage. It has a limited objective and set of principles that draws on the framework for financial provision on divorce, without opting for the entire framework and makes new remedies available to cohabitants not shared by other unrelated adults. The discretion to be given to the courts to make decisions on financial provision at the end of cohabitation is broad, allowing for ‘fair account’ to be taken of any economic advantages and disadvantages to either party or to children of the relationship. The courts are also given a wide discretion to decide when such obligations arise.

2.8 The family module sought to obtain information about public knowledge of the present law, prior to the introduction of the important law reform outlined above, and attitudes towards cohabitation, in comparison to marriage. Therefore the module began with a married couple scenario, to set the scene and provide a basis for comparison, followed by several scenarios involving unmarried couples, as shown in Figure 2.1.

### **Figure 2.1. Married and unmarried couples scenarios**

#### *Married couple scenario*

A married couple have been together for 10 years and have no children, but one of them has a much higher income than the other. They then split up. In these circumstances, should the partner with the lower income be able to claim financial support from the other partner?

And do you think the law *does* give someone the right to claim financial support in such circumstances?

#### *Unmarried couple scenarios*

An unmarried couple have been living together for ten years. The man dies. He worked for a company whose occupational pension pays a pension to the surviving husband or wife in the

event of death. Should the surviving partner be entitled to receive a pension on the same basis?

For the same couple. They live in a house bought in the man's name and when he dies he leaves the property to his partner in his will. Should the surviving partner be exempt from having to pay inheritance tax on the property in just the same way as a married person would be?

Again, the same couple who have been together for 10 years. They have no children. One of them has a much higher income than the other. They then split up. Do you think the partner with the lower income *should* or *should not* be able to claim financial support from the other partner?

And do you think the law *does* give someone the right to claim financial support in such circumstances?

Imagine another unmarried couple without children who have been living together for ten years and live in a house bought in the man's name. Say he dies without making a will. Do you think the woman should or should not have the same rights to keep the home as she would if she had been married to him?

And do you think she *does* in fact have the *same* rights as a married woman to remain in this home, or, does she have *fewer* rights?

Now imagine another unmarried couple who have been living together for ten years. They have a child who needs medical treatment. Do you think the father should or should **not** have the same rights to make decisions about his child's medical treatment as he would if he was married to the child's mother?

And do you think he *does* in fact have the *same* rights as a married man to make decisions about this medical treatment, or, does he have *fewer* rights?

## **MARRIED COUPLES: ATTITUDES AND KNOWLEDGE**

2.9 The public's views about what the economic obligations between separating married partners ought to be are divided: about equally between those who think an economically disadvantaged spouse without children should be able to make claims against the other if a long-standing relationship breaks down. As Table 1 below shows, 50% of respondents think the economically weaker partner should be able to claim, and 47% do not. Table 2 shows that there is widespread misunderstanding of the actual legal position in which the Family Law (Scotland) Act 1985 gives former spouses a right to claim support: 61% think spouses have such a right (although only 17% were firm in their understanding), and 39% either didn't know or erroneously thought not.

2.10 Comparing respondents' views with their knowledge of the law, we find that those who correctly understand the law are slightly more likely (55%) than those whose knowledge of the law is incorrect (45%) to think the economically weaker partner should be able to make claims on the other.

**Table 2.1. I would now like you to think about a *married couple* who have been together for 10 years. They have no children, but one of them has a much higher income than the other. They then split up. In these circumstances, do you think the partner with the lower income should be able to claim financial support from the other partner?**

|                       | %    |
|-----------------------|------|
| Definitely should     | 22   |
| Probably should       | 28   |
| Probably should not   | 27   |
| Definitely should not | 20   |
| (Don't know)          | 3    |
| (Not answered)        | *    |
|                       |      |
| Unweighted base       | 1637 |

**Table 2.2. And do you think the law *does* give someone the right to claim financial support in such circumstances?**

|                     | %    |
|---------------------|------|
| Definitely does     | 17   |
| Probably does       | 44   |
| Probably does not   | 20   |
| Definitely does not | 6    |
| (Don't know)        | 14   |
|                     |      |
| Unweighted base     | 1637 |

## **UNMARRIED COUPLES: ATTITUDES AND KNOWLEDGE**

2.11 When asked the same question as in Table 1 but for unmarried couples, as Table 3 shows, 40% thought there should be a support obligation, and 57% thought not. Thus there is weaker, but only slightly weaker, endorsement for a support obligation between long standing cohabiting couples who separate, even if children are not present. Table 4 shows that just over two thirds of respondents knew that cohabitees have fewer such rights.

2.12 Again, comparing respondents' views with their knowledge of the law, we find that those who correctly understand the law are slightly less likely (38%) than those whose knowledge of the law is incorrect (50%) to think an economically weaker cohabiting partner should be able to make claims on the other. Thus, in the case of both married and unmarried partners, those with a correct knowledge of the law are more likely to agree with the legal norm than others without accurate knowledge.

**Table 2.3. Think about an unmarried couple who have been together for 10 years and who have no children. One of them has a much higher income than the other. They then split up. Do you think the partner with the lower income *should* or *should not* be able to claim financial support from the other partner?**

|                       |      |
|-----------------------|------|
|                       | 2004 |
|                       | %    |
| Definitely should     | 16   |
| Probably should       | 24   |
| Probably should not   | 28   |
| Definitely should not | 29   |
| (Don't know)          | 3    |
| (Not answered)        | *    |
|                       |      |
| Unweighted base       | 1637 |

**Table 2.4. And do you think the partner with the lower income *does* in fact have**

|   |      |
|---|------|
|   | 2004 |
|   | %    |
| ...the same rights as a married person to claim financial support from their partner, | 22   |
| or, do they have fewer rights?  | 68   |
| (Don't know)  | 10   |
| (Not answered)  | -    |
|   |      |
| Unweighted base   | 1637 |

2.13 When asked about whether rights to pensions and inheritance tax concessions that apply to married partners when one spouse dies should also apply to cohabittees in similar circumstances, respondents reported strong support for greater parity of treatment, as in Tables 2.5 and 2.6, with 87% agreeing that a surviving cohabitee should have the same entitlement to an occupational pension, and 76% agreeing a cohabitee should be similarly exempt from payment of inheritance tax on the couple's home. There is also strong support for parity of treatment with regard to a shared home for a cohabitee whose partner has died intestate, with 89% of respondents stating that person should be treated in the same way as a married person (Table 2.7). However, this is a slightly lower level of agreement than was found in the 2000 Scottish Social Attitudes Survey (92%) when the same question was asked.

**Table 2.5. I would like you to think of an *unmarried couple* I who have been living together for ten years. The man dies. He worked for a company whose occupational pension pays a pension to the surviving husband or wife in the event of death. Do you think the surviving partner *should* or *should not* be entitled to receive a pension on the same basis?**

|                       |      |
|-----------------------|------|
|                       | %    |
| Definitely should     | 59   |
| Probably should       | 28   |
| Probably should not   | 6    |
| Definitely should not | 5    |
| (Don't know)          | 2    |
|                       |      |
| Unweighted base       | 1637 |



**Table 2.6. Now thinking of this same couple. They live in a house bought in the man's name and when he dies he leaves the property to his partner in his will. Do you think the surviving partner *should* or *should not* be exempt from having to pay inheritance tax on the property in just the same way as a married person would be?**

|                       | %    |
|-----------------------|------|
| Definitely should     | 50   |
| Probably should       | 26   |
| Probably should not   | 12   |
| Definitely should not | 9    |
| (Don't know)          | 3    |
|                       |      |
| Unweighted base       | 1637 |

**Table 2.7. Imagine another unmarried couple without children who have been living together for ten years and live in a house bought in the man's name. Say he dies without making a will. Do you think the woman *should* or *should not* have the same rights to keep the home as she would if she had been married to the man?**

|                       | 2000 <sup>1</sup> | 2004 |
|-----------------------|-------------------|------|
|                       | %                 | %    |
| Definitely should     | 69                | 62   |
| Probably should       | 23                | 27   |
| Probably should not   | 4                 | 5    |
| Definitely should not | 3                 | 4    |
| (Don't know)          | 1                 | 2    |
|                       |                   |      |
| Unweighted base       | 1663              | 1637 |

2.14 There is growing awareness that a cohabitee's position in law is weaker than that of a married partner, as a comparison with data in the 2000 Scottish Social Attitudes Survey shows (Table 2.8). Two thirds of respondents in 2004 knew that a cohabitee's rights were weaker, compared to 56% in 2000. However, see chapter 6 (and Table 6.5) for data about the prevalence of the belief that unmarried couples who live together for some time have a 'common law marriage' giving them the same legal rights as married couples.

**Table 2.8. And do you think she *does* in fact have**

|   | 2000 <sup>2</sup> | 2004 |
|---|-------------------|------|
|   | %                 | %    |
| ...the same rights as a married woman to keep the home, | 35                | 23   |
| or, does she have fewer rights?                         | 56                | 67   |
| (Don't know)  | 9                 | 10   |
| (Not answered)  | -                 | -    |
|   |                   |      |
| Unweighted base   | 1663              | 1637 |

<sup>1</sup> Note that in 2000 respondents were asked whether the woman should have the same rights to 'remain in this home', whereas in 2004 they were asked whether they have the same rights to 'keep the home.'

<sup>2</sup> As before, in 2000 respondents were asked about the unmarried woman's right to 'remain' in the home.

2.15 There is strong support for unmarried fathers having the same parental rights as married fathers, as evidenced by replies to the question, in Table 2.9, about an unmarried father deciding on medical treatment for his child, where 97% thought unmarried fathers should have the same rights, slightly higher than in 2000 when the same question was asked. There is increasing awareness that unmarried fathers, at present, do not have such a right. As Table 2.10 shows, 53% of respondents were correctly aware of this, compared to 40% in 2000. Those respondents whose knowledge of the law was correct were only slightly less likely (96%) than those whose knowledge of the law was incorrect (99%) to think an unmarried father (95%) should be able to consent to a child's medical treatment. Thus, while there was overwhelming support for an unmarried father to have this parental responsibility and right, as earlier, those with a correct knowledge of the law were slightly more likely to agree with the legal norm than others without accurate knowledge.

**Table 2.9. Now imagine another unmarried couple who have been living together for ten years. They have a child who needs medical treatment. Do you think the father *should* or *should not* have the same rights to make decisions about his child's medical treatment as he would if he was married to the child's mother?**

|                       | 2000 | 2004 |
|-----------------------|------|------|
|                       | %    | %    |
| Definitely should     | 85   | 84   |
| Probably should       | 13   | 13   |
| Probably should not   | 1    | 1    |
| Definitely should not | 1    | 1    |
| (Don't know)          | *    | 1    |
|                       |      |      |
| Unweighted base       | 1663 | 1637 |

**Table 2.10. And do you think he *does* in fact have**

|   | 2000 | 2004 |
|---|------|------|
|   | %    | %    |
| ...the same rights as a married man to make decisions about this medical treatment, | 49   | 34   |
| or, does he have fewer rights?  | 40   | 53   |
| (Don't know)  | 12   | 13   |
|   |      |      |
| Unweighted base   | 1663 | 1637 |

## HOW DO KNOWLEDGE AND ATTITUDES VARY ACROSS THE POPULATION?

2.16 The preceding evidence reports the views of the population as a whole. We now look at how those views vary within the population according to major social divisions such as age, gender, social class and educational level. For the purpose of this analysis, we classified respondents into two or three categories for each of these key socio-demographic variables, as in Figure 1.1 above.

2.17 In relation to attitudes about whether, in a childless relationship that has broken down, an economically weaker partner should be able to claim financial support from the other partner, we found wide age-related differences and slight differences according to educational level and gender. As Table 2.11 shows, respondents aged 40 or above are on the whole substantially more likely than those under 40 to think that such claims should be possible, for

married, cohabiting and female (but not male) same sex couples. In the younger age group, only a minority think that such a partner should have a continuing claim for support from the other partner, irrespective of the status of the partnership. However, for older respondents, there is a small majority who favour married partners being able to make such a claim, with declining levels of support for cohabiters and same sex partners being able to do so. No significant differences appeared in relation to social class.

**Table 2.11. Proportion of respondents who agree that an economically weaker partner, in a long standing childless relationship that has broken down, should be able to claim financial support from the other partner, by respondent's age, gender and education level.**

| If couple are . . | respondent's age 18-39 | respondent's age $\geq 40$ | male | female | Some quals | No quals |
|-------------------|------------------------|----------------------------|------|--------|------------|----------|
| Married           | 39                     | 56                         | 49   | 51     | 48         | 58       |
| Cohabiting        | 30                     | 46                         | 40   | 40     | 38         | 47       |
| Same sex male     | 34                     | 35                         | 30   | 38     | 36         | 31       |
| Same sex female   | 27                     | 35                         | 35   | 30     | 32         | 32       |

2.18 In relation to attitudes towards a relationship that ends by the death of a partner, those with some educational qualifications are more likely than those with none to favour parity of treatment between married couples, cohabiters and same sex partners in relation to staying in the shared home, being exempt from inheritance tax and eligibility for a deceased partner's occupational pension, as shown in Table 2.13. Similarly, women are more likely than men to support parity of treatment across different types of adult partnerships, also shown in Table 2.13. No significant differences appeared in relation to social class and, as Table 2.12 shows, in relation to marital status and housing tenure.

**Table 2.12. Proportion of respondents who agree that an economically weaker partner, in a long standing childless relationship that has broken down, should be able to claim financial support from the other partner, by respondent's marital status/history and housing tenure.**

| If couple are . | Respondent is Married | Previously married | Single or cohabiting | Respondent Owns home | Rents home |
|-----------------|-----------------------|--------------------|----------------------|----------------------|------------|
| Married         | 51                    | 53                 | 47                   | 49                   | 53         |
| Cohabiting      | 42                    | 40                 | 36                   | 40                   | 40         |
| Same sex male   | 34                    | 28                 | 39                   | 34                   | 34         |
| Same sex female | 33                    | 32                 | 32                   | 32                   | 33         |

**Table 2.13. Proportion of respondents who agree that in a long standing childless relationship where one partner has died, the other partner should be treated in the same way as a married person in relation to staying in their home, being exempt from inheritance tax and eligibility for an occupational pension, by the respondent's education level and sex.**

|                                     | Respondent<br>has some quals | Respondent has<br>no quals | male | female | Age<br>18-39 | Age<br>40 + |
|-------------------------------------|------------------------------|----------------------------|------|--------|--------------|-------------|
| Keeping home- cohabiting            | 91                           | 86                         | 88   | 90     | 91           | 89          |
| Keeping home- Same sex male         | 77                           | 59                         | 66   | 78     | 84           | 66          |
| Keeping home- Same sex female       | 80                           | 66                         | 74   | 78     | 84           | 72          |
|                                     |                              |                            |      |        |              |             |
| No inheritance tax- cohabiting      | 77                           | 71                         | 71   | 79     | 74           | 76          |
| No inheritance tax- Same sex male   | 67                           | 51                         | 57   | 67     | 71           | 58          |
| No inheritance tax- Same sex female | 71                           | 59                         | 65   | 70     | 66           | 68          |
|                                     |                              |                            |      |        |              |             |
| Pension entitlement-cohabiting      | 87                           | 84                         | 84   | 88     | 88           | 86          |
| Pension entitlement-same sex male   | 71                           | 49                         | 59   | 70     | 79           | 58          |
| Pension entitlement-same sex female | 75                           | 62                         | 71   | 73     | 83           | 66          |



## CHAPTER THREE SAME SEX COUPLES

3.1 There is growing visibility of same sex partnerships. The Scottish Census in 2001 reported that 2% of cohabiting couples in Scotland were of the same sex (Morrison et al 2004). There is also growing recognition in law of same sex partnerships in many jurisdictions, such as same sex marriages in some US states, registered partnerships in the Netherlands, Denmark, Norway and Sweden, and PACs (Pacte Civil de Solidarité) in France. In the UK the Civil Partnership Act 2004 will provide a new status as registered partners to partners of the same sex who cannot legally marry. The current Family Law (Scotland) Bill has provision for same sex partners who have not entered into registered partnerships that are similar to its provisions for unmarried, opposite sex cohabitants. Many of these reforms have been driven by European human rights requirements, rather than as a response to public opinion.

3.2 The extent to which Scottish public opinion sees same sex partnerships in similar terms to mixed sex partnerships is not known, so that the module questions, as in Figure 2 below, sought to ascertain those views in relation to several specific scenarios. Half of respondents were asked about hypothetical scenarios involving male same sex couples, and half involving female same sex couples.

### Figure 3.1. Same sex couples scenarios

(half of respondents were asked about men and half about women)

And now I would like you to think of two men who have lived together as a couple for ten years. One of them has a much higher income than the other. They then split up. Do you think the partner with the lower income should be able to claim financial support from the other partner?

Still thinking about these two men who have been living together for ten years as a couple. One of them owns the house they live in. Say he dies without making a will, do you think his partner should or should not have the same right to keep the home as he would if they were a married couple?

And do you think the surviving partner *does* in fact have the same legal right to keep this home as he would if he had been married to his partner?

Still thinking about these same two men: say that when he died, the owner of the house left the property to his partner in his will. Do you think his partner should be exempt from having to pay inheritance tax on the property in just the same way as a married partner would be?

Still thinking about this same couple, what if the man who died had worked for a company whose occupational pension pays a pension to a surviving husband or wife in the event of death. Do you think the *male partner* of this man *should* or *should not* be entitled to receive a pension on the same basis?

Now think about two men, both in their early thirties, who have been living together for 5 years as a couple. . Should it be possible for them to adopt a child *in exactly the same way* as a married couple?

## RELATIONSHIP BREAKDOWN

3.3 The same scenario as for a married couple and an unmarried mixed sex cohabiting couple, discussed in the previous chapter, was presented, asking about obligations for financial support for an economically disadvantaged partner when a long standing relationship breaks down. As Table 3.1 shows, 60% of respondents did not think there should be a support obligation following the breakdown of a same sex couple relationship, with little difference if the couple are male or female, compared with 47% who did not think there should be one for childless married couples, and 57% for cohabiting couples. Thus, there is a surprising level of similarity in views that there should not be a support obligation after separation for all types of childless couples, albeit with higher levels for those not actually married, whether same or opposite sex. However, more felt strongly negative (definitely should not) about support for separated same sex couples. The other side of the coin is that about one third of respondents thought there should be the possibility for an economically disadvantaged partner to claim financial support.

**Table 3.1. And now I would like you to think of *two (men/women)* who have lived together as a couple for ten years. One of them has a much higher income than the other. They then split up. Do you think the partner with the lower income *should or should not* be able to claim financial support from the other partner?**

|                       | male couple | female couple | all  | [Married couple]* | [Cohabiting couple]* |
|-----------------------|-------------|---------------|------|-------------------|----------------------|
|                       | %           | %             | %    | %                 | %                    |
| Definitely should     | 14          | 13            | 14   | 22                | 16                   |
| Probably should       | 20          | 20            | 20   | 28                | 24                   |
| Probably should not   | 18          | 21            | 20   | 27                | 28                   |
| Definitely should not | 42          | 40            | 41   | 20                | 29                   |
| (Don't know)          | 5           | 6             | 6    | 3                 | 3                    |
| (Not answered)        | 1           | *             | 1    | *                 | *                    |
| Unweighted base       | 832         | 805           | 1637 | 1637              | 1637                 |

Note: see Tables 2.1 and 2.3.

3.4 Where a same sex relationship ends by death, public attitudes towards inheritance and pensions issues favour greater parity of treatment with married couples than is allowed by current arrangements. Three quarters of respondents thought that a partner should be allowed to keep the home in the same way as a married couple (Table 3.2), although the majority (about 70%) were aware that same sex couples have no such right (Table 3.3). Respondents whose knowledge of the law was correct on this issue were slightly less likely (76%) than those whose knowledge of the law was incorrect (84%) to think a same sex partner should be able to keep the home than those with an incorrect understanding of the law (984%), following the pattern seen earlier that those with a correct understanding of law are more likely to agree with legal norms than those with incorrect knowledge.

3.5 A majority (about two thirds) thought that a surviving same sex partner should be exempt from payment of inheritance tax on the couple's home (Table 3.4) and should be similarly entitled to their partner's occupational pension (Table 3.5). However, on both issues, a lower proportion of respondents favoured parity of treatment for same sex couples as for mixed sex cohabitantes. The differences of opinion towards male and female same sex couples

were slight (5% for all three attitude questions), though higher support for parity of treatment was found for lesbian couples than for gay male couples.

**Table 3.2. Still thinking about these two (men/women) who have been living together for ten years as a couple. One of them owns the house they live in. Say (he/she) dies without making a will, do you think (his/her) partner *should* or *should not* have the same right to keep the home as (he/she) would if they were a married couple?**

|                       | male couple | female couple | all  |
|-----------------------|-------------|---------------|------|
|                       | %           | %             | %    |
| Definitely should     | 41          | 46            | 44   |
| Probably should       | 31          | 30            | 31   |
| Probably should not   | 8           | 7             | 8    |
| Definitely should not | 15          | 10            | 12   |
| (Don't know)          | 4           | 6             | 5    |
| (Not answered)        | 1           | *             | 1    |
|                       |             |               |      |
| Unweighted base       | 832         | 805           | 1637 |

**Table 3.3. And do you think the surviving partner *does* in fact have the same legal right to keep this home as (he/she) would if (he/she) had been married to (his/her) partner?**

|                     | male couple | female couple | all  |
|---------------------|-------------|---------------|------|
|                     | %           | %             | %    |
| Definitely does     | 5           | 6             | 6    |
| Probably does       | 14          | 9             | 12   |
| Probably does not   | 41          | 46            | 44   |
| Definitely does not | 28          | 26            | 27   |
| (Don't know)        | 11          | 12            | 12   |
| (Not answered)      | 1           | *             | 1    |
|                     |             |               |      |
| Unweighted base     | 832         | 805           | 1637 |



**Table 3.4. Still thinking about these same two (men/women), say that when (he/she) died, the owner of the house left the property to (his/her) partner in (his/her) will. Do you think (his/her) partner *should* or *should not* be exempt from having to pay inheritance tax on the property in just the same way as a married partner would be?**

|                        | male couple | female couple | all         | Cohabiting couple* |
|------------------------|-------------|---------------|-------------|--------------------|
|                        | %           | %             | %           | %                  |
| Definitely should      | 38          | 41            | 39          | 50                 |
| Probably should        | 25          | 27            | 26          | 26                 |
| Probably should not    | 15          | 14            | 15          | 12                 |
| Definitely should not  | 15          | 13            | 14          | 9                  |
| (Don't know)           | 7           | 5             | 6           | 3                  |
| (Not answered)         | 1           | *             | *           |                    |
| <i>Unweighted base</i> | <i>832</i>  | <i>805</i>    | <i>1637</i> | <i>1637</i>        |

\* Table 2.6.

**Table 3.5. Still thinking about this same couple, what if the (man/woman) who died had worked for a company whose occupational pension pays a pension to a surviving husband or wife on the event of death. Do you think the (male/female) partner *should* or *should not* be entitled to receive a pension on the same basis?**

|                        | male couple | female couple | all         | Cohabiting couple* |
|------------------------|-------------|---------------|-------------|--------------------|
|                        | %           | %             | %           | %                  |
| Definitely should      | 36          | 41            | 38          | 59                 |
| Probably should        | 30          | 31            | 30          | 28                 |
| Probably should not    | 13          | 12            | 12          | 6                  |
| Definitely should not  | 16          | 11            | 13          | 5                  |
| (Don't know)           | 6           | 6             | 6           | 2                  |
| (Not answered)         | 1           | *             | *           |                    |
|                        |             |               |             | 1637               |
| <i>Unweighted base</i> | <i>832</i>  | <i>805</i>    | <i>1637</i> | <i>%</i>           |

\* See Table 2.5.

## **SAME SEX COUPLES AND PARENTHOOD**

3.6 While there is strong support for greater parity of treatment for same sex couples on partnership issues such as pensions, inheritance and, to a lesser degree, financial support on relationship breakdown, a more complex and gender differentiated pattern is suggested in relation to parenthood. Respondents were asked if a same sex couple in a stable partnership should be allowed to adopt in the same way as a married couple. Overall, most respondents (56%) thought they should not be able to do so, but with a sharp gender difference. In relation to lesbian couples, respondents were equally divided between those who thought they should (46%) and should not (47%) be able to adopt. However in relation to male couples, there was a clear balance of opinion against the possibility of adoption: 65% against compared with 29% in favour. This suggests that while there may be a high level of support for more egalitarian treatment of same sex and mixed sex couples around partnership issues, this support does not seem to apply to the same extent to parenthood issues, where responses were sensitive to the gender of the same sex couple. However, since the survey had only one item on same sex couples and parenthood, and this relates to somewhat unusual circumstances, this needs to be read with caution.

**Table 3.6. Now think about two (men/women), both in their early thirties, who have been living together for 5 years as a couple. Should it be possible for them to adopt a child in exactly the same way as a married couple?**

|                       | male couple | female couple | all  |
|-----------------------|-------------|---------------|------|
|                       | %           | %             | %    |
| Definitely should     | 12          | 20            | 16   |
| Probably should       | 17          | 26            | 21   |
| Probably should not   | 14          | 14            | 14   |
| Definitely should not | 51          | 33            | 42   |
| (Don't know)          | 5           | 8             | 6    |
| (Not answered)        | *           | *             | *    |
|                       |             |               |      |
| Unweighted base       | 832         | 805           | 1637 |

### HOW DO KNOWLEDGE AND ATTITUDES VARY ACROSS THE POPULATION?

3.7 We presented evidence in chapter 2 (Tables 2.10 and 2.11) on variations within the population of attitudes towards rights of partners and parity of treatment when same sex relationships end. In relation to attitudes towards whether same sex couples should be allowed to adopt a child on the same basis as a married couple, those with some educational qualifications are more likely than those with none to favour parity of treatment with married couples. Similarly, women are more likely than men, and younger people more than older people, to favour parity of treatment (Table 3.7). No significant differences appeared in relation to social class or housing tenure.

**Table 3.7. Proportion of respondents who agree it should be possible for a same sex couple to adopt a child in exactly the same way as a married couple, by respondent's educational level, age and sex**

|                          | Respondent has some quals | Respondent has no quals | respondent's age 18-39 | respondent's age ≥40 | Respondent is male | Respondent is female |
|--------------------------|---------------------------|-------------------------|------------------------|----------------------|--------------------|----------------------|
| If the couple are male   | 34                        | 17                      | 43                     | 22                   | 19                 | 37                   |
| If the couple are female | 49                        | 36                      | 64                     | 35                   | 43                 | 47                   |



## CHAPTER FOUR      STEP-PARENTS

4.1      Step-parenthood has become increasingly common as a consequence of higher levels of separation, divorce and second partnership formation. Higher rates of couple dissolution and reformation also affect intergenerational relationships. For example, step-parents and co-resident partners (including same sex partners) may become involved in parenting roles for co-resident children despite not being their biological parent. The degree to which step parents should and do take on a parental role and act as a social parent for their step children are both variable and controversial.

4.2      However, at present step-parents have no legal rights, as defined in the Children (Scotland) Act 1995, in respect of their step-children and we know little about what the public considers the moral obligations of step parents to be in the event of couple dissolution. At present, a step-parent can apply to the court to grant formal parental responsibilities and rights, but otherwise do not have other means of acquiring legal parental responsibilities and rights.

4.3      In the consultation following the publication of the Scottish Executive family law White Paper, Parents and Children (2000), views were sought about whether to introduce into Scots law a Step-parent Parental Responsibilities and Parental Rights Agreement, which would allow a married step-parent, if those who already had parental responsibilities and rights (normally a child's birth parents) all agreed, to assume full parental responsibilities and rights without the necessity of applying to a court. Since no consensus emerged from the consultation, this proposal has not found its way into the Family Law (Scotland) Bill.

4.4      In this chapter, we present findings on what the public think about some norms and parental responsibilities of step-parents, based on several scenarios that raise different parenting issues, both while a stepfamily is intact, and when a stepfamily relationship breaks down, as set out in Figure 4.1.

### **Figure 4.1. Step parent scenarios**

I would like you to think about a child whose parents have separated and who lives with their mother. Say their mother remarries. *Should* or *should not* the step-father's income be taken into account in determining how much child support the father should pay?

And do you think a step-father's income *does* in fact get taken into account in cases like this?

And do you think the step-father's income *should* or *should not* be taken into account in deciding whether the child is entitled to a means-tested student grant?

#### *Step parenting after relationship breakdown*

Let us say the child is aged 12 and the step-father has treated the child as his own for the five years he has been living in the family. Do you think the step-father *should* or *should not* be expected to continue providing financial support for the child if his relationship with the child's mother breaks down?

And do you think the law does or does not require the step-father to provide financial support in these circumstances?

And do you think in these circumstances, the step-father *should* or *should not* have a right to stay in touch with the child as a father would have?

And do you think a step-father does have the same right to stay in contact with the child in these circumstances?

## FINANCIAL RESPONSIBILITIES OF CO-RESIDENT STEP-PARENTS: KNOWLEDGE AND ATTITUDES

4.5 We asked respondents about their knowledge and opinions about whether a step-parent's income should be taken into account for both the purpose of assessing child support levels for the child's father, and for assessing entitlement to a means-tested student grant. Their replies are summarised in Tables 4.1 to 4.3. Nearly two thirds (64%) thought that the step-father's income should be taken into account when assessing a father's child support obligation. A slightly higher proportion, 68%, thought his income should be taken into account when assessing entitlement to a means-tested student grant. About one third of respondents (35%) thought it actually was taken into account, 43% thought not (it is not), and about one quarter did not know. Despite some confusion about step-parents' actual obligations, these replies suggest a high level of support for the notion that step-parents *should* assume some financial responsibility for the step-children with whom they live.

**Table 4.1. I would now like you to think about a child whose parents have separated and who lives with their mother. Say their mother remarries. Do you think the step-father's income *should* or *should not* be taken into account in determining how much child support the *father* should pay?**

|                       | %    |
|-----------------------|------|
| Definitely should     | 35   |
| Probably should       | 29   |
| Probably should not   | 14   |
| Definitely should not | 19   |
| (Don't know)          | 4    |
| (Not answered)        | -    |
|                       |      |
| Unweighted base       | 1637 |

**Table 4.2. And do you think a step-father's income *does* in fact get taken into account in cases like this?**

|                     | %    |
|---------------------|------|
| Definitely does     | 8    |
| Probably does       | 27   |
| Probably does not   | 32   |
| Definitely does not | 11   |
| (Don't know)        | 23   |
|                     |      |
| Unweighted base     | 1637 |

**Table 4.3. And do you think the step-father's income *should* or *should not* be taken into account in deciding whether the child is entitled to a means-tested student grant?**

|                       | %    |
|-----------------------|------|
| Definitely should     | 28   |
| Probably should       | 40   |
| Probably should not   | 15   |
| Definitely should not | 11   |
| (Don't know)          | 6    |
|                       |      |
| Unweighted base       | 1637 |

## STEP PARENTING AFTER RELATIONSHIP BREAKDOWN

4.6 While most respondents thought that a step-parent should exercise some degree of financial responsibility for the step-children with whom they lived, they did not think that obligation should extend to a longer term support obligation if the step-parents split up. Nearly three quarters of respondents (74%, Table 4.4) thought that a step-father should not be expected to continue beyond separation to provide financial support for a step-child. Most people (61%) thought that a step-parent had no such obligation, 18% thought they did, and 22% stated they did not know. The legal position is that if a step-parent has accepted a child as a “child of the family”, then under section 1(1)(d) of the Family Law (Scotland) Act 1985, they have the same liability to aliment (support) the child as a biological parent. However, they have no such obligation under child support legislation (Edwards and Griffiths 1997; p.52).

4.7 As far as post-separation contact is concerned, the pattern is reversed, with over three quarters of respondents (77%, Table 4.6) expressing the view that a step-father should have the same rights to contact as a natural father. Three fifths of respondents thought step-fathers did not have such a right, and they were less likely (71%) to hold the view that step fathers should have that right.

**Table 4.4. Let us say the child is aged 12 and the step-father has treated the child as his own for the five years he has been living in the family. Do you think the step-father *should* or *should not* be expected to continue providing financial support for the child if his relationship with the child's mother breaks down?**

|                       | %    |
|-----------------------|------|
| Definitely should     | 9    |
| Probably should       | 21   |
| Probably should not   | 35   |
| Definitely should not | 29   |
| (Don't know)          | 7    |
|                       |      |
| Unweighted base       | 1637 |

**Table 4.5. And do you think the law *does* require the step-father to provide financial support in these circumstances?**

|                     | %    |
|---------------------|------|
| Definitely does     | 3    |
| Probably does       | 15   |
| Probably does not   | 45   |
| Definitely does not | 16   |
| (Don't know)        | 22   |
|                     |      |
| Unweighted base     | 1637 |

**Table 4.6. And do you think in these circumstances, the step-father *should* or *should not* have a right to stay in touch with the child as a father would have?**

|                       | %    |
|-----------------------|------|
| Definitely should     | 29   |
| Probably should       | 48   |
| Probably should not   | 13   |
| Definitely should not | 5    |
| (Don't know)          | 6    |
|                       |      |
| Unweighted base       | 1637 |

**Table 4.7. And do you think a step-father *does* have the same right to stay in contact with the child in these circumstances?**

|                     | %    |
|---------------------|------|
| Definitely does     | 5    |
| Probably does       | 19   |
| Probably does not   | 45   |
| Definitely does not | 15   |
| (Don't know)        | 17   |
|                     |      |
| Unweighted base     | 1637 |

4.8 Overall, these data form a mixed picture about what public opinion is about the obligations a step-parent should assume, or that society more widely should assume of them. It is especially conflicting where the relationship between a step-father and a child's mother has broken down. It is not possible from these data to understand why this is the case but in the light of these findings, it is perhaps not entirely surprising that no consensus emerged during the family law reform consultation process about whether a specific Step-parent Parental Responsibilities and Parental Rights Agreement should be introduced into family law.

## **HOW DO KNOWLEDGE AND ATTITUDES VARY ACROSS THE POPULATION?**

4.9 We turn briefly to how knowledge and attitudes towards these step-parenting issues vary within the population according to age, gender, marital status, social class, income and housing tenure, and report on those items where some significant differences were found.

4.10 When asked if step-fathers income should be taken into account for the purpose of deciding entitlement to a means-tested student grant, we found small gender differences, with 71% of men, compared to 58% of women, stating it should. Similarly, 72% of those in the highest income quartile, compared with 59% of those in the lowest income quartile, thought it should. Related to this was a slight social class gradient. There were no significant differences in relation to age, marital status, or housing tenure.

4.11 There were no significant differences according to age, marital status, housing tenure, income or social class in responses to the question of whether step-parents should be expected to provide support to their step-children following separation. However, men (34%) were more likely than women (26%) to state such support should be given.

4.12 As far as knowledge of step-fathers rights to maintain contact with their step-children following separation, older people (aged 65 or more) were more likely to have incorrect knowledge, as were tenants compared to home owners. Those in the lowest income quartile were twice as likely to be incorrect as those in the highest income quartile.





## CHAPTER FIVE GRANDPARENTS

5.1 It has been long recognised that grandparents play an important part in the lives of their grandchildren. When a parental relationship breaks down, research evidence shows that grandparents can be particularly supportive to their grandchildren, and help to increase their resiliency through what is often a difficult time.

5.2 Recently in Scotland, pressure groups such as Grandparents Apart, have drawn attention to contact issues that arise for grandparents and grandchildren after separation, in particular, when children lose contact with their paternal grandparents. They have argued for the introduction into family law of a specific right of contact for grandparents following parental separation. In the course of earlier consultation in the family law reform process currently underway, the Scottish Executive concluded that while it did not propose to introduce a legal right of contact for grandparents, it recognised the value to children generally of promoting effective contact with their wider family, particularly when contact is voluntarily negotiated and takes children's views and interests into account (Scottish Parliament 2005 Memorandum, paras. 94-95).

5.3 Public attitudes to the role of grandparents, including experience of and the nature of contact between grandparents and grandchildren, together with views about the value of grandparents' contribution to bringing up children were examined on the 1998 British Social Attitude survey (Dench et al, 1999). But that study did not specifically examine views on the legal and moral responsibilities and rights of grandparents, nor was there a Scottish focus.

5.4 Here we present findings on public opinions about what grandparents responsibilities and rights should be and public knowledge about what they are, based on several scenarios raising different issues about contact and care when a parental relationship breaks down, as shown in Figure 5.1.

### Figure 5.1. Grandparenting scenarios

I would now like you to think about a child who no longer lives with their father. Do you think the law should or should not give the grandparents on the father's side the same rights as a father to stay in contact with the child?

And do you think the grandparent *does* in fact have the same legal right to stay in touch with their grandchild in these circumstances?

I would now like you to imagine an eight-year old child whose parents are no longer able to care for them, but whose grandparents could. Would you expect the grandparents to provide a home for this child?

And do you think that grandparents *are* expected by law to provide a home for their grandchildren in such circumstances?

5.5 There is a widespread public view (92%) that supports giving paternal grandparents the same rights of contact with a child as a father, as Table 5.1 shows. This high level of agreement did not vary substantially when comparing respondents by age, sex, marital status and social class. There was not an opportunity to explore with respondents the considerable complexities that surround this issue, such as where parents and grandparents disagree about

what is in a child's best interest as far as contact is concerned. Table 5.2 shows that most respondents (55%) correctly recognised that paternal grandparents do not have a right of contact. Thus it is recognised by a majority of respondents that grandparents do not have parental rights that most parents have. Of course, grandparents do not have parental responsibilities either. Whether they should have such responsibilities, in certain limited circumstances, was an issue we raised. We found that there is a widely held view, by 85% of respondents as in Table 5.3, that grandparents should also have a responsibility to provide a home for a young child if its parents are unable to do so and if they are able. Again, this did not vary substantially when comparing responses by marital status, social class or housing tenure. Respondents who were aged 25-39 and most likely to have young children, were less likely to state that grandparents should provide care in such circumstances. A substantial majority (71%) correctly knew that in such circumstances grandparents do not have this legal obligation.

**Table 5.1. I would now like you to think about a child who no longer lives with their father. Do you think the law *should* or *should not* give the *grandparents* on the father's side the same rights as a father to stay in contact with the child?**

|                       | %    |
|-----------------------|------|
| Definitely should     | 62   |
| Probably should       | 30   |
| Probably should not   | 3    |
| Definitely should not | 3    |
| (Don't know)          | 2    |
|                       |      |
| Unweighted base       | 1637 |

**Table 5.2. And do you think the grandparents *do* in fact have the same legal right to stay in touch with their grandchild in these circumstances?**

|                   | %    |
|-------------------|------|
| Definitely do     | 12   |
| Probably do       | 21   |
| Probably do not   | 37   |
| Definitely do not | 18   |
| (Don't know)      | 12   |
|                   |      |
| Unweighted base   | 1637 |

**Table 5.3. I would now like you to imagine an eight-year old child whose parents are no longer able to care for them, but whose grandparents could. Would you expect the grandparents to provide a home for this child?**

|                      | %    |
|----------------------|------|
| Definitely would     | 39   |
| Probably would       | 46   |
| Probably would not   | 9    |
| Definitely would not | 3    |
| (Don't know)         | 3    |
|                      |      |
| Unweighted base      | 1637 |

**Table 5.4. And do you think that grandparents *are* expected by law to provide a home for their grandchildren in such circumstances?**

|                    | %    |
|--------------------|------|
| Definitely are     | 4    |
| Probably are       | 16   |
| Probably are not   | 46   |
| Definitely are not | 25   |
| (Don't know)       | 8    |
|                    |      |
| Unweighted base    | 1637 |

## APPRECIATION OF GRANDPARENTS

5.6 Respondents were asked to indicate whether or not they agreed with a set of statements about the role of grandparents in their grandchildren's lives. These are reported below and show that on several indicators there is widespread appreciation of the contributions that grandparents make to their grandchildren, as well as considerable feeling that their contributions are insufficiently valued by others.

**Table 5.5. Attitudes towards grandparents 1**

- Grandparents have little to teach the grandchildren of today [GpsTeach].
- With so many working mothers, families need grandparents to help more and more [GpsHelp].
- Grandparents tend to interfere too much with the way their grandchildren are brought up [GpsIntfr].

|                            | [GpsTeach] | [GpsHelp] | [GpsIntfr] |
|----------------------------|------------|-----------|------------|
|                            | %          | %         | %          |
| Agree strongly             | 1          | 14        | 2          |
| Agree                      | 5          | 60        | 7          |
| Neither agree nor disagree | 8          | 17        | 31         |
| Disagree                   | 52         | 8         | 49         |
| Disagree strongly          | 31         | 1         | 9          |
| Can't choose               | *          | *         | 2          |
| (Not answered)             | 2          | 1         | 1          |
|                            |            |           |            |
| Unweighted base            | 1514       | 1514      | 1514       |

**Table 5.6. Attitudes towards grandparents 2**

- Many parents today do not appreciate the help that grandparents give [GpsApprc].
- People today don't place enough value on the part grandparents play in family life [GpsValue].
- In most families, grandparents should be closely involved in deciding how their grandchildren are brought up. [GpsInvol]

|                            | [GpsApprc] | [GpsValue] | [GpsInvol] |
|----------------------------|------------|------------|------------|
|                            | %          | %          | %          |
| Agree strongly             | 6          | 7          | 3          |
| Agree                      | 41         | 47         | 16         |
| Neither agree nor disagree | 23         | 22         | 33         |
| Disagree                   | 24         | 19         | 40         |
| Disagree strongly          | 3          | 2          | 5          |
| Can't choose               | 2          | 2          | 2          |
| (Not answered)             | 2          | 1          | 1          |
|                            |            |            |            |
| Unweighted base            | 1514       | 1514       | 1514       |

## CHAPTER SIX ATTITUDES TOWARDS SEXUAL RELATIONSHIPS IN VARIOUS CIRCUMSTANCES

6.1 The preceding chapters have focused on public opinions and public knowledge about the norms and law surrounding the wider kin relationships beyond marriage and parenthood within marriage, the traditional focus of family law, and some of the normative issues raised by increasing levels of unmarried cohabitation, step-parenthood, same sex partnerships as well as grandparents and grandchildren.

6.2 These concerns are prompted by the relatively recent and fundamental demographic changes in family life that include less and later marriage, more remarriage, more lone parenthood, lower and later fertility, the growth in unmarried cohabitation, high levels of divorce and relationship breakdown, and the increasing prevalence of parenthood outside marriage. All of these structural changes have taken place in parallel to substantial changes in individuals' sexual behaviour and attitudes and it is impossible to fully appreciate the one set of changes without reference to the other. Therefore to set the earlier chapters in context, we present here the findings from questions about public attitudes towards sexual relationships in a range of contexts outside marriage and towards the place of marriage in people's lives, as set out in Figure 6.1.

6.3 Some of the same questions were asked in a family issues module in the Scottish Social Attitudes Survey 2000. Where we also have data from that survey, the findings from the 2004 survey are set beside them so public attitudes towards sexual relationships outside marriage in 2000 and 2004 can be compared.

### Figure 6.1. Opinions about sexual relationships

Now I would like to ask you some questions about sexual relationships. If a man and woman have sexual relations before marriage, what would your general opinion be?

What about a *married person* having sexual relations with someone other than his or her partner?

What about sexual relations between two adults of the same sex?

What about sexual relations between a boy and a girl who were both still under 16?

As far as you know, do unmarried couples who live together for some time have a 'common law marriage' which gives them the same legal rights as married couples?

To what extent do you agree with these statements?

- People who want children ought to get married
- It is all right for a couple to live together without intending to get married
- It is a good idea for a couple who intend to get married to live together first
- Married couples make better parents than unmarried ones.
- Too many people just drift into marriage without really thinking about it
- Even though it might not work out for some people, marriage is still the best kind of relationship
- Many people who live together without getting married are just scared of commitment
- Marriage gives couples more financial security than living together
- There is no point in getting married – it is only a piece of paper
- Gay or lesbian couples should have the right to marry one another if they want to?

6.4 Public attitudes towards sexual relationships outside marriage vary according to the context of the relationship. Sexual relations before marriage are considered to be either rarely wrong or not wrong at all by a large majority: 75% of respondents, a higher proportion than the 67% who thought so in 2000 (Table 6.1). However underage sex is thought to be mostly or always wrong by a large majority: 86%, slightly lower than the 90% who thought so in 2000 (Table 6.2). A slightly higher proportion (90%) consider that extramarital sexual relations are mostly or always wrong, about the same proportion as in 2000 (Table 6.3).

6.5 Homosexual sexual relations are thought to be rarely wrong or not wrong at all by 42% of respondents, a higher proportion than the 37% who thought so in 2000 (Table 6.4). It is perhaps not surprising that 39% of respondents thought that gay or lesbian couples should be able to marry if they wish to (Table 6.11), a slightly higher proportion than the 35% who disagree or strongly disagree with same sex marriage. A slightly lower proportion, 41%, thought same sex sexual relationships were mostly or always wrong, than the 48% who thought so in 2000.

**Table 6.1. If a man and woman have sexual relations before marriage, what would your general opinion be?**

|                  | 2000 | 2004 |
|------------------|------|------|
|                  | %    | %    |
| Always wrong     | 8    | 4    |
| Mostly wrong     | 7    | 8    |
| Sometimes wrong  | 10   | 10   |
| Rarely wrong     | 11   | 10   |
| Not wrong at all | 56   | 65   |
| (Depends/varies) | 3    | 2    |
| (Don't know)     | 1    | 1    |
| (Not answered)   | *    |      |
|                  |      |      |
| Unweighted base  | 1663 | 1637 |

**Table 6.2. What if it was a boy and a girl who were both still *under 16*?**

|                  | 2000 | 2004 |
|------------------|------|------|
|                  | %    | %    |
| Always wrong     | 68   | 62   |
| Mostly wrong     | 22   | 24   |
| Sometimes wrong  | 6    | 10   |
| Rarely wrong     | 2    | 2    |
| Not wrong at all | 1    | 2    |
| (Depends/varies) | 1    | 1    |
| (Don't know)     | *    | 1    |
| (Not answered)   | *    | *    |
|                  |      |      |
| Unweighted base  | 1663 | 1637 |

**Table 6.3. What about a *married person* having sexual relations with someone other than his or her partner?**

|                  | 2000 | 2004 |
|------------------|------|------|
|                  | %    | %    |
| Always wrong     | 65   | 64   |
| Mostly wrong     | 24   | 26   |
| Sometimes wrong  | 7    | 6    |
| Rarely wrong     | 1    | 1    |
| Not wrong at all | 1    | 2    |
| (Depends/varies) | 1    | 1    |
| (Don't know)     | *    | *    |
| (Not answered)   | *    |      |
|                  |      |      |
| Unweighted base  | 1663 | 1637 |

**Table 6.4. What about sexual relations between two adults of the *same sex*?**

|                  | 2000 | 2004 |
|------------------|------|------|
|                  | %    | %    |
| Always wrong     | 39   | 30   |
| Mostly wrong     | 9    | 11   |
| Sometimes wrong  | 8    | 8    |
| Rarely wrong     | 8    | 7    |
| Not wrong at all | 29   | 37   |
| (Depends/varies) | 4    | 3    |
| (Don't know)     | 2    | 3    |
| (Not answered)   | *    | *    |
|                  |      |      |
| Unweighted base  | 1663 | 1637 |

## ATTITUDES AND KNOWLEDGE ABOUT MARRIAGE AND PARTNERSHIP

6.6 A narrow majority (51%), though a smaller one than in 2000 (58%), believe, erroneously, that 'common law marriage' exists in Scotland (Table 6.5), what Barlow and colleagues (2005) have termed the 'common law marriage myth'. The belief that after a period of time, cohabiting partners acquire the same rights as married couples could result in unexpected hardship for some economically weaker partners if a cohabiting relationship breaks down. The current Family Law (Scotland) Bill addresses this risk by giving the court discretion to make financial provision on cohabitation breakdown in such circumstances to help to mitigate some of the harsher consequences of this erroneous belief. The belief in the 'common law marriage myth' did not vary by age, gender, social class or housing tenure.

6.7 Unlike England and Wales, there is in Scotland an antiquated but still extant route to marriage called *marriage by cohabitation with habit and repute*. This form of marriage in Scotland has existed for centuries, but is not what is commonly referred to as 'common law' marriage. It is rather an alternative means of establishing a marriage, which the 1992 Scottish Law Commission consultation document, *Reform of Family Law 135* argued was too vague, uncertain, arbitrary, retrospective and hard to apply. While it recommended its abolition, a view endorsed in the 1999 Scottish Executive Green Paper, the 2000 White Paper opted to retain it and the current Family Law (Scotland) Bill is silent on this subject.



6.8 The institution of marriage continues to command support on a number of indicators, and is seen as preferable to some other forms of partnership, although there is also evidence of growing neutrality and tolerance for other forms of partnership. While a majority of respondents (57%) agreed with the claim: “Even though it might not work out for some people, marriage is still the best kind of relationship”, this was a smaller majority than in 2000 (62%). Respondents in 2004 were more likely (65%) than in 2000 (53%) to think that marriage provides greater financial security than cohabitation (Table 6.10). Perhaps this is indicative of an increasing awareness that the framework of legal protection and financial provision surrounding cohabitation breakdown is weaker than the one that applies on divorce.

6.9 As far as whether parenthood is best within the setting of marriage, a changing picture emerges. There is support, though declining support, for marriage as a preferred setting for having children. In 2004, 48% of respondents thought that people who want children should marry, a lower proportion than the 55% of respondents in 2000 who thought so (Table 6.6). More people, a narrow majority, however, felt neutral about this or disagreed with the proposition. A declining proportion of the population (21% in 2004, compared with 26% in 2000) agreed with the claim that married couples make better parents than unmarried ones (Table 6.8).

6.10 There is slightly less support for pre-marital cohabitation than in 2000; 50% of respondents in 2004, compared with 55% in 2000, thought it was a good idea for people to live together before marrying—with slightly more feeling neutral on this issue in 2004. Only 15% of respondents disagreed with this proposition (Table 6.7).

**Table 6.5. As far as you know, do unmarried couples who live together for some time have a ‘common law marriage’ which gives them the same legal rights as married couples?**

|                  | 2000 | 2004 |
|------------------|------|------|
|                  | %    | %    |
| Definitely do    | 17   | 13   |
| Probably do      | 41   | 38   |
| Probably do not  | 24   | 31   |
| Definitely don’t | 12   | 12   |
| Can’t choose     | 4    | 6    |
| (Not answered)   | 3    | *    |
|                  |      |      |
| Unweighted base  | 1506 | 1637 |

**Table 6.6. People who want children ought to get married.**

|                            | 2000 | 2004 |
|----------------------------|------|------|
|                            |      | %    |
| Agree strongly             | 21   | 19   |
| Agree                      | 34   | 29   |
| Neither agree nor disagree | 22   | 24   |
| Disagree                   | 17   | 21   |
| Disagree strongly          | 5    | 6    |
| Can’t choose               | 1    | 1    |
| (Not answered)             | 2    | 1    |
|                            |      |      |
| Unweighted base            | 1506 | 1514 |

**Table 6.7. It is a good idea for a couple who intend to get married to live together first.**

|                            | 2000 | 2004 |
|----------------------------|------|------|
|                            | %    | %    |
| Agree strongly             | 17   | 11   |
| Agree                      | 38   | 39   |
| Neither agree nor disagree | 26   | 32   |
| Disagree                   | 11   | 13   |
| Disagree strongly          | 3    | 2    |
| Can't choose               | 2    | 1    |
| (Not answered)             | 3    | 2    |
|                            |      |      |
| Unweighted base            | 1506 | 1514 |

**Table 6.8. Married couples make better parents than unmarried ones.**

|                            | 2000 | 2004 |
|----------------------------|------|------|
|                            | %    | %    |
| Agree strongly             | 8    | 9    |
| Agree                      | 18   | 13   |
| Neither agree nor disagree | 31   | 30   |
| Disagree                   | 30   | 29   |
| Disagree strongly          | 10   | 15   |
| Can't choose               | 2    | 3    |
| (Not answered)             | 1    | 2    |
|                            |      |      |
| Unweighted base            | 1506 | 1514 |

**Table 6.9. Even though it might not work out for some people, marriage is still the best kind of relationship.**

|                            | 2000 | 2004 |
|----------------------------|------|------|
|                            | %    | %    |
| Agree strongly             | 15   | 20   |
| Agree                      | 47   | 37   |
| Neither agree nor disagree | 20   | 24   |
| Disagree                   | 14   | 14   |
| Disagree strongly          | 2    | 3    |
| Can't choose               | 1    | 1    |
| (Not answered)             | 1    | *    |
|                            |      |      |
| Unweighted base            | 1506 | 1514 |

**Table 6.10. Marriage gives couples more financial security than living together.**

|                            | 2000 | 2004 |
|----------------------------|------|------|
|                            | %    | %    |
| Agree strongly             | 10   | 17   |
| Agree                      | 43   | 48   |
| Neither agree nor disagree | 21   | 18   |
| Disagree                   | 21   | 14   |
| Disagree strongly          | 2    | 1    |
| Can't choose               | 1    | 1    |
| (Not answered)             | 2    | 2    |
|                            |      |      |
| Unweighted base            | 1506 | 1514 |

**Table 6.11. Gay or lesbian couples should have the right to marry one another if they want to.**

|                            | %    |
|----------------------------|------|
| Agree strongly             | 9    |
| Agree                      | 30   |
| Neither agree nor disagree | 21   |
| Disagree                   | 16   |
| Disagree strongly          | 19   |
| Can't choose               | 4    |
| (Not answered)             | 2    |
|                            |      |
| Unweighted base            | 1514 |

## **HOW DO KNOWLEDGE AND ATTITUDES VARY ACROSS THE POPULATION?**

6.11 We turn briefly to how these attitudes vary across the population according to age, gender, marital status, social class, income and housing tenure, and comment where some significant differences were found.

6.12 There are significant differences by age in attitudes towards sex before marriage. While 75% of those aged 18-24 and 85% of those aged 25-39 state it is not wrong at all, only 32% of those aged 65 or more think this. There are also differences in attitudes on this question by marital status, with perhaps not surprisingly, 90% of respondents who are cohabiting stating it is not wrong at all, compared with 61% of those who are married and 33% of those who are widowed (though the latter is likely to be closely associated with an age effect). In contrast, there are no major differences in attitudes according to respondents' social class (except those from social class 1 are less likely to state that sex before marriage is not wrong at all), housing tenure or gender.

6.13 We find differences by age and marital status in relation to the questions about underage sex, where 43% of those aged 18-24 and 53% of those aged 25-39 state it is always wrong, compared with 64% of those aged 40-64 and 76% of those aged 65 or more. Those who are living together as married or who are not married are less likely (47% and 51%, respectively) than those who are married or widowed (65% and 76%, respectively) to state underage sex is always wrong. There were no major differences in relation to gender, social class or housing tenure.

6.14 As far as extramarital sexual relations are concerned, differences in attitude are found by gender, but not age, marital status, housing tenure, or social class (except for respondents in social class 1 who were less likely than others to state it was always wrong). However 69% of women, compared with 57% of men, stated it was always wrong. Similarly in relation to attitudes towards sexual relations between partners of the same sex, there were differences by gender, age and marital status, but not by housing tenure. Differences by respondents' social class showed some variation but in a pattern that was hard to interpret.

6.15 A picture of changing sexual mores emerges. We see high levels of approval for some sexual relationships outside marriage, but disapproval of others. There is a high degree of tolerance or approval for sex before marriage, except for underage sex. Nevertheless there is a low level of tolerance or approval for extramarital sexual relations. There is also an increasing level of tolerance or approval for same sex sexual relationships; indeed, slightly more approval than disapproval for same sex relationships and same sex marriage. This suggests that the Civil Partnership Act 2004, on balance, is broadly in tune with public opinion.



## CHAPTER SEVEN      CONCLUSIONS

7.1 This report presents a body of evidence from a specially commissioned module on family issues in the Scottish Social Attitudes Survey 2004. In particular, it has focused on the public's understanding of and attitudes towards the moral and legal responsibilities and rights that exist between partners in a variety of settings and across generations in the light of the radical and rapid social change in family relationships in recent decades. The survey comes at a time that major family law reform is underway on many of the matters which the module addresses.

7.2 Public attitude survey data such as this can provide important input to the policy process, as one component of wider consultation and participation. It paints a nationally representative picture on potentially controversial issues that complements specific consultation exercises, whose responses are necessarily not representative of the population as a whole. In this case, not only can nationally representative public opinion data usefully feed into the current family law reform policy process but can also provide a baseline of evidence for future evaluation of those policies and for monitoring changes in public opinion.

7.3 The evidence in this report suggests that the current family law reforms are broadly in line with public opinion and with the direction of change in public opinion. For example, we found overwhelming support for parity of treatment between married and unmarried fathers, a view in line with the provisions of the Family Law (Scotland) Bill 2005 that gives unmarried fathers who co-register the birth of a child the same automatic parental responsibilities and rights as the mother. We found there was a widespread view that both heterosexual and same sex unmarried partners should have a remedy available for financial provision when a partnership breaks down.

7.4 Overall the findings show the Scottish population report a high level of support or acceptance in its attitudes towards intimate relationships outside marriage, and sexual relationships outside marriage. A picture emerges of a high level of approval or acceptance of non-marital partnerships and quite high levels of support for parity of treatment between them on issues of financial provision on relationship breakdown, but even more so when relationships end by the death of one partner in matters of inheritance, property and pensions. While there is growing acceptance of heterosexual cohabitation as a setting in which to raise children, in relation to same sex partnerships, a higher level of acceptance of partnership is not paralleled by comparable levels of acceptance of same sex parenthood on a par with marriage. Where comparisons over four years, in 2000 and 2004, about attitudes towards sexual relations outside marriage can be assessed, the direction of change is, on the whole, towards greater acceptance, with the clear exceptions of underage sex and extramarital sex, where high levels of disapproval exist.

7.5 However, we also found that some attitudes are mixed, which is perhaps not surprising in a period of adjustment to major demographic change. For example, attitudes towards the parental responsibilities and rights of step-parents are mixed. On the one hand, when a step parent has taken on the social role of a parent in a stepfamily, public opinion favours giving the step parent more parental responsibilities and rights than they currently have. But on the other hand, public opinion seems to consider there are limits to the rights and obligations of social parenting by step-parents that differ from those of parents; and opinion is mixed about what links step-parents should have to their step-children when the stepfamily breaks down. There is support for step-parents having contact with step-children following separation, but

not for a continuing obligation for child support. In view of the absence of settled opinion, it is not surprising that no consensus seemed to emerge during the family law consultation process of recent years in relation to parental responsibilities and rights of step parents, and that no mention is made of these in the Family Law (Scotland) Bill.

7.6 Similarly, we found very high levels of recognition and appreciation of the value of grandparents' contributions to the lives of their children and a feeling that this was often unrecognised. However, we also found that while there was a high level of support for grandparents to have a right of contact following parental separation, views did not favour grandparents being closely involved in decisions about how grandchildren should be brought up. Thus, the strategy in the Family Law Bill of developing a charter for grandparents that recognises their important role for children, but not a new package of rights, seems to be closely in tune with these views.

7.7 Thus we can see that the picture of public attitudes towards new forms of partnership, parenthood and family relationships more widely is a mixed one, and one which seems to be fairly rapidly evolving, in which not all aspects of 'new' partnership are normalised, or apparently consistent with each other or even changing at the same rate.

7.8 The fault line for differences of opinion run more across lines of age and gender than social class and income. While there were few significant differences according to social class, housing tenure, income, and some by marital status, the most significant differences appear between men and women, and those above and below the age of 40, perhaps because those below 40 have lived all their lives in the period in which the great demographic transformations to which this module relates have taken place. On the whole, women and younger people tend to be more accepting of change than men and older people.

7.9 The evidence of public knowledge of the law on the issues we raise demonstrates there are fairly high levels of misunderstanding of the legal responsibilities and rights of partners and parents in various family settings. It has only been possible in the scope of the present report to conduct a limited analysis of how individuals' understandings of legal responsibilities and rights are linked to their attitudes and opinions but we found a general pattern that those who are knowledgeable about the law are more likely to agree with it. Now that the Scottish Parliament are proceeding with major family law reform, this evidence might suggest it is an opportune moment to consider what measures might be put into place that would increase public knowledge and understanding of law.

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<http://www.scottish.parliament.uk/business/bills/billsInProgress/familyLaw.htm>



## APPENDIX. THE FAMILY MODULE QUESTIONNAIRE

Q324 Which of your relatives on this list are alive at the moment? Please include adoptive relatives.

PROBE: Which others?

- 1 Grandparent [*GParent*]
- 2 Step-grandparent [*StepGran*]
- 3 Parent [*Parents*]
- 4 Step-parent [*StepPar*]
- 5 Child [*Child*]
- 6 Step-child [*StepChi*]
- 7 Grandchild [*GChild*]
- 8 Step-grandchild [*StepGChi*]
- 9 None of these [*NoRels*]

Q334 [MarShd1]

I would now like you to think about a **married couple** who have been together for 10 years. They have no children, but one of them has a much higher income than the other. They then split up. In these circumstances, do you think the partner with the lower income should be able to claim financial support from the other partner?

- 1 Definitely should
- 2 Probably should
- 3 Probably should not
- 4 Definitely should not

Q335 [MarDoes1]

And do you think the law **does** give someone the right to claim financial support in such circumstances?

- 1 Definitely does
- 2 Probably does
- 3 Probably does not
- 4 Definitely does not

Q336 [CohbShd4]

I would like you to think of an **unmarried couple** I who have been living together for ten years. The man dies. He worked for a company whose occupational pension pays a pension to the surviving husband or wife in the event of death. Do you think the surviving partner **should** or **should not** be entitled to receive a pension on the same basis?

- 1 Definitely should
- 2 Probably should
- 3 Probably should not
- 4 Definitely should not

Q337 [CohbShd6]

Now thinking of this same couple. They live in a house bought in the man's name and when he dies he leaves the property to his partner in his will. Do you think the surviving partner **should** or **should not** be exempt from having to pay inheritance tax on the property in just the same way as a married person would be?

- 1 Definitely should

- 2 Probably should
- 3 Probably should not
- 4 Definitely should not

Q338 [CohbShd7]

Still thinking about an unmarried couple who have been together for 10 years. They have no children. One of them has a much higher income than the other. They then split up. Do you think the partner with the lower income **should** or **should not** be able to claim financial support from the other partner?

- 1 Definitely should
- 2 Probably should
- 3 Probably should not
- 4 Definitely should not

Q339 [CohbDoe7]

And do you think the partner with the lower income **does** in fact have ...READ OUT...

- 1 ...the **same** rights as a married person to claim financial support from their partner,
- 2 or, do they have **fewer** rights?

Q340 [CohbSh2b]

Imagine another unmarried couple without children who have been living together for ten years and live in a house bought in the man's name. Say he dies without making a will. Do you think the woman **should** or **should not** have the same rights to keep the home as she would if she had been married to the man?

- 1 Definitely should
- 2 Probably should
- 3 Probably should not
- 4 Definitely should not

Q341 [CohbDo2b]

And do you think she **does** in fact have ...READ OUT...

- 1 ...the **same** rights as a married woman to to keep the home,
- 2 or, does she have **fewer** rights?

Q342 [CohbShd3]

Now imagine another unmarried couple who have been living together for ten years. They have a child who needs medical treatment. Do you think the father **should** or **should not** have the same rights to make decisions about his child's medical treatment as he would if he was married to the child's mother?

- 1 Definitely should
- 2 Probably should
- 3 Probably should not
- 4 Definitely should not

Q343 [CohbDoe3]

And do you think he **does** in fact have ...READ OUT...

- 1 ...the **same** rights as a married man to make decisions about this medical treatment,
- 2 or, does he have **fewer** rights?

Note: for the following questions respondents with an odd serial number were asked about two men who have lived together and those with an even serial number were asked about two women who have lived together. The two sets of responses are also available in combined in single variables. The male, female and combined variable names are indicated above each question.

Q356 And now I would like you to think of **two (men/women)** who have lived together as a couple for ten years. One of them has a much higher income than the other. They then split up. Do you think the partner with the lower income **should** or **should not** be able to claim financial support from the other partner?

- 1 Definitely should
- 2 Probably should
- 3 Probably should not
- 4 Definitely should not

Q345/ [SSCShd2M] / [SSCShd2F] / [SSCShd2]

Q357 Still thinking about these two (men/women) who have been living together for ten years as a couple. One of them owns the house they live in. Say (he/she) dies without making a will, do you think (his/her) partner **should** or **should not** have the same right to keep the home as (he/she) would if they were a married couple?

- 1 Definitely should
- 2 Probably should
- 3 Probably should not
- 4 Definitely should not

Q346/ [SSCDoe2M] / [SSCDoe2F] / [SSCDoe2]

Q358 And do you think the surviving partner **does** in fact have the same legal right to keep this home as (he/she) would if (he/she) had been married to (his/her) partner?

- 1 Definitely does
- 2 Probably does
- 3 Probably does not
- 4 Definitely does not

Q347/ [SSCShd3M] / [SSCShd3F] / [SSCShd3]\*

Q359 Still thinking about these same two (men/women), say that when (he/she) died, the owner of the house left the property to (his/her) partner in (his/her) will. Do you think (his/her) partner **should** or **should not** be exempt from having to pay inheritance tax on the property in just the same way as a married partner would be?

Q348/ [SSCShd4M] / [SSCShd4F] / [SSCShd4]\*

Q360 Still thinking about this same couple, what if the (man/woman) who died had worked for a company whose occupational pension pays a pension to a surviving husband or wife in the event of death. Do you think the (male/female) partner of this (man/woman) **should** or **should not** be entitled to receive a pension on the same basis?

Q349/ [SSCShd5M] / [SSCShd5F] / [SSCShd5]\*

Q361 Now think about two (men/women), both in their early thirties, who have been living together for 5 years as a couple. Should it be possible for them to adopt a child in exactly the same way as a married couple?

**\* [SSCShd3M] TO [SSCShd5M]**

- 1 Definitely should
- 2 Probably should
- 3 Probably should not
- 4 Definitely should not

**ASK ALL**

Q362 [STPShd1]

I would now like you to think about a child whose parents have separated and who lives with their mother. Say their mother remarries, do you think the step-father's income **should** or **should not** be taken into account in determining how much child support the **father** should pay?

- 1 Definitely should
- 2 Probably should
- 3 Probably should not
- 4 Definitely should not

Q363 [STPDoe1]

And do you think a step-father's income **does** in fact get taken into account in cases like this?

- 1 Definitely does
- 2 Probably does
- 3 Probably does not
- 4 Definitely does not

Q364 [STPShd2]

And do you think the step-father's income **should** or **should not** be taken into account in deciding whether the child is entitled to a means-tested student grant?

- 1 Definitely should
- 2 Probably should
- 3 Probably should not
- 4 Definitely should not

Q365 [STPShd3]

Let us say the child is aged 12 and the step-father has treated the child as his own for the five years he has been living in the family. Do you think the step-father **should** or **should not** be expected to continue providing financial support for the child if his relationship with the child's mother breaks down?

- 1 Definitely should
- 2 Probably should
- 3 Probably should not
- 4 Definitely should not

Q366 [STPDoe3]

And do you think the law **does** require the step-father to provide financial support in these circumstances?

- 1 Definitely does
- 2 Probably does
- 3 Probably does not

4 Definitely does not

Q367 [STPShd4]

And do you think in these circumstances, the step-father **should** or **should not** have a right to stay in touch with the child as a father would have?

- 1 Definitely should
- 2 Probably should
- 3 Probably should not
- 4 Definitely should not

Q368 [STPDoe4]

And do you think a step-father **does** have the same right to stay in contact with the child in these circumstances?

- 1 Definitely does
- 2 Probably does
- 3 Probably does not
- 4 Definitely does not

Q369 [GPTShd1]

I would now like you to think about a child who no longer lives with their father. Do you think the law **should** or **should not** give the **grandparents** on the father's side the same rights as a father to stay in contact with the child?

- 1 Definitely should
- 2 Probably should
- 3 Probably should not
- 4 Definitely should not

Q370 [GPTDoe1]

And do you think the grandparents **do** in fact have the same legal right to stay in touch with their grandchild in these circumstances?

- 1 Definitely do
- 2 Probably do
- 3 Probably do not
- 4 Definitely do not

Q371 [GPTShd2]

I would now like you to imagine an eight-year old child whose parents are no longer able to care for them, but whose grandparents could. Would you expect the grandparents to provide a home for this child?

- 1 Definitely would
- 2 Probably would
- 3 Probably would not
- 4 Definitely would not

Q372 [GPTDoe2]

And do you think that grandparents **are** expected by law to provide a home for their grandchildren in such circumstances?

- 1 Definitely are
- 2 Probably are
- 3 Probably are not

4 Definitely are not

Q373 [PMS]\*

Now I would like to ask you some questions about sexual relationships. If a man and woman have sexual relations before marriage, what would your general opinion be?

Q374 [YoungSex]\*

What if it was a boy and a girl who were both still **under 16**?

Q375 [ExMS]\*

What about a **married person** having sexual relations with someone other than his or her partner?

Q376 [HomoSex]\*

What about sexual relations between two adults of the **same sex**?

\* [PMS] TO [HOMOSEX]

- 1 Always wrong
- 2 Mostly wrong
- 3 Sometimes wrong
- 4 Rarely wrong
- 5 Not wrong at all
- 6 (Depends/varies)

[CommLaw] As far as you know, do unmarried couples who live together for some time have a 'common law marriage' which gives them the same legal rights as married couples?

Definitely do  
Probably do  
Probably do not  
Definitely don't  
Can't choose

Please tick one box to show how much you agree or disagree with each of these statements.

Agree strongly  
Agree  
Neither agree nor disagree  
Disagree  
Disagree strongly  
Can't choose

[MarView6] People who want children ought to get married.

[MarVie12] It is a good idea for a couple who intend to get married to live together first.

[Marry1] Married couples make better parents than unmarried ones.

[Marry3] Even though it might not work out for some people, marriage is still the best kind of relationship.

[Marry5] Marriage gives couples more financial security than living together.

[MarryBen] In the long term men benefit more from marriage than women.

[GMLMarry] Gay or lesbian couples should have the right to marry one another if they want to?

Do you personally know anyone who is gay or lesbian?  
PLEASE TICK AS MANY BOXES AS APPLY TO YOU

No, I don't know anyone who is gay or lesbian  
Yes – a member of my family  
Yes – a friend I know fairly well  
Yes - someone I do not know very well  
Yes – someone at my work  
Yes – someone else  
Not sure

And please tick one box to show how much you agree or disagree with each of these statements.  
PLEASE TICK ONE BOX ON EACH LINE

Agree strongly  
Agree  
Neither agree nor disagree  
Disagree  
Disagree strongly  
Can't choose

[GpsTeach] Grandparents have little to teach the grandchildren of today.  
[GpsHelp] With so many working mothers, families need grandparents to help more and more.  
[GpsIntfr] Grandparents tend to interfere too much with the way their grandchildren are brought up.  
[GpsApprc] Many parents today do not appreciate the help that grandparents give.  
[GpsValue] People today don't place enough value on the part grandparents play in family life.  
[GpsInvol] In most families, grandparents should be closely involved in deciding how their grandchildren are brought up.

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